

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 568 OF 2024

Gokul Jayaram Kshirsagar

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Ms. Zaware Suvarna M.

APP for Respondent/State : Mr. S.B. Narwade

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CORAM : S.G. MEHARE, J.

DATED : JULY 04, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.506 of 2023 registered with Karjat Police Station, District Ahmednagar for the offence punishable under Sections 302 of the Indian Penal Code.
3. The applicant is a father who is languishing in jail for the murder of his two kids. The prosecution has a case that the applicant was a heavy drunkard. On the date of the incident, he took the children from the custody of the mother for hair cutting but the children did not return. The mother of the children started searching and asking people. The applicant was found lying under the influence of liquor. His wife and the neighbourers asked him about the children but he did not state. Then it was noticed that the sandal of the child

was floating in the well. The allegation of murder has been levelled against the applicant.

4. Learned counsel for the applicant would submit that the prosecution has no cogent and reliable evidence to believe that the children died due to the acts of the applicant. She pointed out that some portion of parapet wall of the well situated in the field of the applicant was open. So, there is every possibility of accidental death. There was no motive in committing the murder of the children. The mother of the applicant who was also present in the home has not been examined. In the absence of any direct evidence, the applicant cannot be kept behind bar.

5. Learned APP has strongly opposed the application. He would submit that there was evidence of taking the children by the applicant for hair cutting. There is one witness who saw the accused taking the children towards well. He submits that the applicant was shouting at his wife since she allowed her son to go to the house of her sister-in-law. He went to the house of sister-in-law and brought his son back.

6. It is a serious matter of death of two minor children. The prosecution has evidence of taking the children from the custody of his wife and secondly the independent witness who saw him taking the children towards well. He took the children from the custody of the wife for hair cutting. But instead of doing so, he took them

towards well. These are the strong circumstances against the applicant to believe that he had some ill-motive. There is nothing on record to show that the children were fallen in the well. The offence is serious. The wife of the applicant is the witness. The applicant may threaten her. Her protection is essential to make the justice with the children.

7. For the above reasons, the application stands dismissed.

(S.G. MEHARE, J.)